

Appendix D

Class VI Primacy Application Checklist for Both New UIC Programs and UIC Program Revision Applications

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The following Primacy Application Checklist is intended to aid states in ensuring that they have assembled all the necessary documentation for a primacy program application. While it includes the required elements of a primacy program application, it is not a comprehensive list. Therefore, states should refer to 40 CFR 145 Subpart B (“Requirements for State Programs”) and 40 CFR 145 Subpart C (“State Program Submissions”) for additional information. In addition, states submitting a New UIC Program Application should also refer to 40 CFR 124 (“Procedures for Decision-making”) for more information on the primacy and public participation requirements of the UIC Program that have to be met before submitting a New UIC Program Application to EPA. Additional information on primacy application materials and requirements can be found in Sections 3 and 4 of this manual.

In addition to completing this checklist below, states can also use the Federal/State Regulatory Comparison Crosswalk for a New UIC Program Application included in Appendix B or the Federal/State Regulation Comparison Crosswalk for UIC Program Revisions (for independent Class VI) in Appendix C to help identify state statutory or regulatory provisions that correspond to each federal requirement. A completed crosswalk will help EPA in reviewing the state application for UIC/Class VI program primacy.

REQUIRED ITEM		INCLUDED?
REQUIRED ELEMENTS FOUND IN 40 CFR 145.11 – 145.14 SUBPART B		Yes <input type="checkbox"/> No <input type="checkbox"/>
REQUIRED ELEMENTS FOUND IN 40 CFR 145 SUBPART C (see below)		
<i>New SDWA Section 1422 UIC Program Primacy Applications</i>		
A letter from the Governor of the state requesting program approval as required by 40 CFR 145.22(a)(1)		Yes <input type="checkbox"/> No <input type="checkbox"/>
A complete program description as required by 40 CFR 145.23		Yes <input type="checkbox"/> No <input type="checkbox"/>
	A narrative on the scope, structure, coverage, and processes of the state program [40 CFR 145.23(a)]	Yes <input type="checkbox"/> No <input type="checkbox"/>
	A description of the organizational structure for the Primacy Agency or agencies [40 CFR 145.23(b)]	Yes <input type="checkbox"/> No <input type="checkbox"/>
	Description of the responsibilities of each agency and the procedures for coordination if UIC Program is administered by multiple agencies [40 CFR 145.23(b)]	Yes <input type="checkbox"/> No <input type="checkbox"/>
	Organization charts [40 CFR 145.23(b)]	Yes <input type="checkbox"/> No <input type="checkbox"/>
	Estimated costs and sources of funding for implementing the program for the first two years [40 CFR 145.23(b)]	Yes <input type="checkbox"/> No <input type="checkbox"/>
	A description of permitting, administrative, and judicial review procedures [40 CFR 145.23(c)]	Yes <input type="checkbox"/> No <input type="checkbox"/>
	Copies of permit, application, reporting, and manifest forms [40 CFR 145.23(d)]	Yes <input type="checkbox"/> No <input type="checkbox"/>
	A description of the state’s compliance tracking and enforcement program [40 CFR 145.23(e)]	Yes <input type="checkbox"/> No <input type="checkbox"/>
	A schedule for issuing permits [40 CFR 145.23(f)(1)]	Yes <input type="checkbox"/> No <input type="checkbox"/>
A statement of the state’s priorities for issuing Class VI permits and the number of permits that will be issued [40 CFR 145.23(f)(2)]		Yes <input type="checkbox"/> No <input type="checkbox"/>

	A description of how the state will meet the mechanical integrity testing requirements [40 CFR 145.23(f)(3)]	Yes <input type="checkbox"/> No <input type="checkbox"/>
	A description of the state's procedures to notify owners or operators of injection wells of the requirement that they apply for and obtain a permit [40 CFR 145.23(f)(4)]	Yes <input type="checkbox"/> No <input type="checkbox"/>
	A description of how the state will establish and maintain a UIC well inventory [40 CFR 145.23(f)(7)]	Yes <input type="checkbox"/> No <input type="checkbox"/>
	A description of exempted aquifers, expansions of the areal extent of existing aquifer exemptions for Class II EOR/EGR transitioning to Class VI injection, and a summary of supporting data and the specific locations [40 CFR 145.23(f)(9)]	Yes <input type="checkbox"/> No <input type="checkbox"/>
	A description of the state's transboundary notification procedures [40 CFR 145.23(f)(13)]	Yes <input type="checkbox"/> No <input type="checkbox"/>
	A description of procedures for documenting interstate consultations [40 CFR 145.23(f)(13)]	Yes <input type="checkbox"/> No <input type="checkbox"/>
	An Attorney General's statement as required by 40 CFR 145.24	Yes <input type="checkbox"/> No <input type="checkbox"/>
	A Memorandum of Agreement with the EPA Regional Administrator as required by 40 CFR 145.25	Yes <input type="checkbox"/> No <input type="checkbox"/>
	Copies of all applicable state statutes and regulations, including those governing State administrative procedures as required by 40 CFR 145.22(a)(5)	Yes <input type="checkbox"/> No <input type="checkbox"/>
	The Federal/State Regulation Comparison Crosswalk (Appendix B of this Manual)	Yes <input type="checkbox"/> No <input type="checkbox"/>
	A demonstration of compliance with public participation requirements as required by 40 CFR 145.22(a)(6) and 145.31(a)-(b)	Yes <input type="checkbox"/> No <input type="checkbox"/>
	State issued public notice of the intent to adopt a UIC Program and seek approval from EPA: circulated statewide by large newspapers, and mailing directly to interested persons	Yes <input type="checkbox"/> No <input type="checkbox"/>
	Notice indicates when and where the State's proposed program submission may be reviewed by the public	Yes <input type="checkbox"/> No <input type="checkbox"/>
	Notice indicates the cost of obtaining a copy of the submission	Yes <input type="checkbox"/> No <input type="checkbox"/>
	Notice provides for a 30-day public comment period	Yes <input type="checkbox"/> No <input type="checkbox"/>
	Notice schedules a public hearing on the state program	Yes <input type="checkbox"/> No <input type="checkbox"/>
	Notice briefly outlines the fundamental aspects of the State UIC Program	Yes <input type="checkbox"/> No <input type="checkbox"/>
	Notice identifies a person that the public can contact for further information	Yes <input type="checkbox"/> No <input type="checkbox"/>
	Copies of all written comments received by the state	Yes <input type="checkbox"/> No <input type="checkbox"/>
	A transcript, recording, or summary of any public hearings	Yes <input type="checkbox"/> No <input type="checkbox"/>
	Responsiveness summary	Yes <input type="checkbox"/> No <input type="checkbox"/>
	Compliance with requirements of 40 CFR 124	Yes <input type="checkbox"/> No <input type="checkbox"/>
<i>SDWA Section 1422 UIC Program Revision Primacy Applications</i>		
	A modified program description	Yes <input type="checkbox"/> No <input type="checkbox"/>
	A description of the organizational structure for the Primacy Agency [40 CFR 145.23(b)]	Yes <input type="checkbox"/> No <input type="checkbox"/>
	Description of the responsibilities of each agency and the procedures for coordination if UIC Program is administered by multiple agencies [40 CFR 145.23(b)]	Yes <input type="checkbox"/> No <input type="checkbox"/>
	Organization charts [40 CFR 145.23(b)]	Yes <input type="checkbox"/> No <input type="checkbox"/>
	A schedule for issuing permits [40 CFR 145.23(f)(1)]	Yes <input type="checkbox"/> No <input type="checkbox"/>
	A statement of the state's priorities for issuing Class VI permits and the number of permits that will be issued [40 CFR 145.23(f)(2)]	Yes <input type="checkbox"/> No <input type="checkbox"/>
	A description of how the state will meet the new mechanical integrity testing	Yes <input type="checkbox"/> No <input type="checkbox"/>

requirements [40 CFR 145.23(f)(3)]	
A description of the state's procedures to notify owners or operators of Class I wells previously permitted for geologic sequestration, or any Class V experimental technology wells that are no longer experimental but will continue to inject carbon dioxide for GS, of the requirement that they apply for and obtain a permit [40 CFR 145.23(f)(4)]	Yes <input type="checkbox"/> No <input type="checkbox"/>
A description of exempted aquifers, expansions of the areal extent of existing aquifer exemptions for Class II EOR/EGR transitioning to Class VI injection, and a summary of supporting data and the specific locations. [40 CFR 145.23(f)(9)]	Yes <input type="checkbox"/> No <input type="checkbox"/>
A description of the state's transboundary notification procedures [40 CFR 145.23(f)(13)]	Yes <input type="checkbox"/> No <input type="checkbox"/>
A description of procedures for documenting interstate consultations [40 CFR 145.23(f)(13)]	Yes <input type="checkbox"/> No <input type="checkbox"/>
An updated Attorney General's statement as required by 40 CFR 145.24	Yes <input type="checkbox"/> No <input type="checkbox"/>
A revised Memorandum of Agreement with the EPA Regional Administrator as required by 40 CFR 145.25	Yes <input type="checkbox"/> No <input type="checkbox"/>
Copies of all applicable state statutes and regulations, including those governing State administrative procedures as required by 40 CFR 145.25.22(a)(5)	Yes <input type="checkbox"/> No <input type="checkbox"/>
The Federal/State Regulation Comparison Crosswalk (Appendix C of this Manual)	Yes <input type="checkbox"/> No <input type="checkbox"/>